

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

MARQUEL SMITH,
Plaintiff,

V.

**MIDLAND, TEXAS, CITY OF
MIDLAND, MIDLAND COUNTY,
*Defendants.***

MO:22-CV-00074-DC

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THE COURT is United States Magistrate Judge Ronald C. Griffin's Report and Recommendation ("R&R") filed in the above-captioned cause on October 24, 2023. (Doc. 14). This matter was referred to the Magistrate Judge.¹ Neither party filed objections, and the deadline to do so has expired.

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file written objections within 14 days after being served with a copy of the findings and recommendations.² Failure to file written objections to the R&R within 14 days after being served with a copy shall bar that party from *de novo* review by the district court of the proposed findings and recommendations.³

What's more, except upon grounds of plain error, it shall also bar the party from appellate review of proposed factual findings and legal conclusions accepted by the district court to which no objections were filed.⁴

¹ See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72.

² 28 U.S.C. § 636(b)(1).

³ *Id.*

⁴ *Id.*; *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989) (per curiam).

Having reviewed the R&R, the Court finds it neither clearly erroneous nor contrary to law. Thus, the Court **ADOPTS** the R&R's conclusion that Plaintiff's claims should be **DISMISSED** without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure.

It is so **ORDERED**.

SIGNED this 20th day of November, 2023.

A handwritten signature in black ink, appearing to read "David Counts", with a stylized star-like flourish at the end.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE